

Docket No. 127304.00901

PATENT

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :  
 Gruskin, et al. : Confirmation No. 6177  
 Application No.: 10/524,495 : Group Art Unit: not yet assigned  
 Filed: February 14, 2005 : Examiner: not yet assigned  
 For: CHIMERIC PROTEINS

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

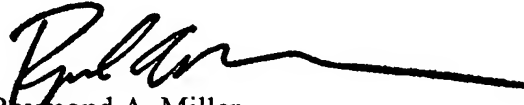
In response to the Notice of Defective Response dated February 7, 2006 which was in response to Applicant's Response to Notice to File Missing Parts of Nonprovisional Application originally mailed October 18, 2005, submitted herewith are the following:

- Copy of Notification of Defective Response;
- Preliminary Amendment;
- Sequence Listing in paper (3 sheets ) and in computer readable format (three (3) CD-Rs);
- Statement Concerning Sequence Listing (1 sheet); and
- Certificate of Mailing.

Applicant believes that no fees are due because this Response is filed within the one (1) month period in which to response, however if any fees are due, please charge any shortage in fees, including extension of time fees, to Deposit Account No. 50-0436.

Respectfully submitted,

PEPPER HAMILTON LLP

A handwritten signature in black ink, appearing to read 'Raymond A. Miller', with a long horizontal flourish extending to the right.

Raymond A. Miller  
Registration No. 42,891

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Pittsburgh, PA 15219  
Phone: (412) 454-5000  
Fax: (412) 281-0717  
Date: February 23, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NO. 10/524,495	FIRST NAMED APPLICANT Elliott A Gruskin	ATTY. DOCKET NO. 127304.00901
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INTERNATIONAL APPLICATION NO.

PCT/US03/26214

I.A. FILING DATE

08/14/2003

PRIORITY DATE

08/15/2002

Pepper Hamilton  
 500 Grant Street 50th Floor  
 Pittsburgh, PA 15219

CONFIRMATION NO. 6177

371 FORMALITIES LETTER



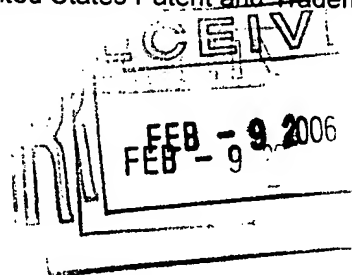
\*OC000000017995005\*

Date Mailed: 02/07/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 02/14/2005
- Copy of the International Search Report filed on 02/14/2005
- Biochemical Sequence Diskette filed on 01/20/2006
- Oath or Declaration filed on 01/20/2006
- U.S. Basic National Fees filed on 02/14/2005
- Priority Documents filed on 02/14/2005



Applicant's response filed 01/20/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 08/19/2005 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new

matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,495	PCT/US03/26214	127304.00901

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Serial Number:

10/524,495

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

In re Application of: :  
Gruskin, et al. : Confirmation No. 6177  
Application No.: 10/524,495 : Group Art Unit: not yet assigned  
Filed: February 14, 2005 : Examiner: not yet assigned  
For: CHIMERIC PROTEINS

DATE OF DEPOSIT: February 23, 2006

I HEREBY CERTIFY THAT THIS RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE ALONG WITH THE DOCUMENTS CITED THEREIN IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE VIA REGULAR MAIL, POSTAGE PREPAID UNDER 37 C.F.R. § 1.8 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: MAIL STOP PCT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

KATHLEEN PUJOL

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

**DOCUMENTS ENCLOSED:**

1. Response to Notification of Defective Response;
2. Copy of Notification of Defective Response;
3. Preliminary Amendment;;
4. Sequence Listing in paper format (3 sheets) and three (3) CD-Rs;
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